IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6915 OF 2005

Dr.A.S.Bindra .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Amit Desai with Subodh Desai for applicant

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22nd November 2005.

P.C.

. Heard Mr.Desai for applicant and Mr.Pednekar, A.P.P. for State. On 18th October 2005, this Court had protected applicant and

directed that he shall not be arrested in connection with the offence registered under MECR No.23 of 1997 by the Economic Offences Wing, Unit V, Crime Branch C.I.D. Mumbai. That order has continued till date.

2. It appears that a grievance was made before this Court that applicant is not cooperating with the investigation. This Court was informed that several documents were required to be produced and despite demand made the applicant could not be reached. This grievance was raised on affidavit because applicant is permanent resident of Chandigarh, State of Punjab.

3. Upon this apprehension being noticed, this Court on 27th October 2005 recorded statement of the applicant that he is ready and willing to appear before I.O. on 16th and 17th November. Similarly, the agreement of the

applicant to cooperate with investigation inasmuch as upon list of relevant documents being furnished in advance, the same would be produced was also recorded. Applicant has from 16th November 2005 to 18th November 2005 attended the office of I.O. He has also remained present before this Court. An affidavit in rejoinder has been filed pointing out compliance of orders and directions of this Court.

4. In the affidavit in rejoinder, the applicant has stated that he attended office of investigating officer. He received a letter wherein documents were enlisted. He, thereafter, compiled all the documents and has furnished them. It is pointed out that the applicant has volunteered to stay back after the matter was placed before this Court. Applicant has specifically stated on oath that in compliance with the direction of this Court, he handed over documents/ information amounting to approximately

925 pages. I had placed this matter today to enable the A.P.P. to take instructions.

5. Today, learned A.P.P. makes a grievance that applicant's attendance is still necessary and that he should attend police station every day. Applicant is also required to produce certain additional documents and furnish further information.

6. In my view, the applicant has placed on affidavit annexing therewith relevant correspondence. The cooperation is extended by him till date. He has attended I.Os. office and is ready and willing to still attend as and when summoned. He is further agreeable to abide by such other conditions as are imposed. Mr.Desai also makes a statement that the applicant would intimate to investigating authority his tour programme containing all details, contact numbers and addresses in case he undertakes any journey

abroad. Applicant would also attend the investigating authority's office as and when summoned. In these circumstances, the interim protection granted by this Court deserves to be confirmed, more so, when the complaint is registered as early as 1997. Accordingly, following order:-

i) In the event of applicant's arrest in connection with MECR No.23 of 1997 by the Economic Offences Wing, Unit No.5, Crime Branch, C.I.D. Mumbai he shall be released on bail in the sum of Rs.1 lakh with one local surety in the like amount.

ii) Bail is granted subject to condition that the applicant will attend the Crime Branch, C.I.D. Economic Offences Wing, Unit No.V as and when summoned. Investigating authority,

however, shall give four days prior notice to the applicant for remaining present before it.

iii) In case the applicant is required to tour abroad, he shall intimate to the investigating authority his contact number, journey dates, addresses at which he will be staying etc.

iv) Bail is granted subject to condition that the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicant shall not tamper with the prosecution evidence.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)